

REMARKS

By the forgoing amendment, applicant has amended claim 1 to make it clearer that the upper surface of the core material having surface structure is different from the decorative sheet having surface structure, whereby during the pressing step the surface structure of the core is imprinted to the decorative sheet. This has been achieved by amending the term "decorative surface layer" to "decorative surface sheet". Thus applicants believe that rejection under 35 U.S.C. 112, second paragraph is moot.

Reconsideration of the rejection of claims 1, 7, 8, 15 and 16 under 35 U.S.C. 102 (b) over Drees et al is misplaced.

Applicants always claimed that "the surface structure of the core is imparted to at least the decorative surface sheet" by the pressing step. The further fact that "surface structure" comprised recessed and protruding portions negates anticipation by Drees, et al which the Examiner concedes is smooth.

Reconsideration and withdrawal of the rejection of claims 1, 7-10, 15 and 16 under 35 U.S.C. 103(a) over Drees et al in view of claim '678 is respectfully requested.

As noted above, Drees et al's core is conceded by the Examiner to be smooth. As applicants have always claimed the pressing imparts the surface structure of the core to the decorative surface sheet, this cannot be achieved by Drees et al.

In Chen '068 the surface structure is not imparted from the core to the decorative surface sheet, but rather a printed layer is formed directly on the embossed core (or backing layer) see paragraph [0022]. In fact, the décor of Chen is not a sheet at all, but is directly printed; see paragraph [0028].

Therefore, the proposed combination of Drees et al and Chen et al '678 does not disclose the claimed invention.

As all the remaining rejections include all the limitations noted above (35 U.S.C. 112 fourth paragraph) , and the tertiary references are not cited to cure the deficiencies in the rejections noted above, these additional independent claims are also allowable.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 14-1437, under Order No. 8688.047.US0000.

Date: January 31, 2011

Respectfully submitted,



Thomas P. Pavelko
Registration No. 31,689
NOVAK DRUCE & QUIGG LLP
300 New Jersey Ave, NW
Fifth Floor
Washington, DC 20001
Telephone: (202) 659-0100